

### **REMARKS**

In the outstanding Office Action, the Examiner rejected claims 1, 2, 4-12, and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,793,344 to Kwok et al. ("Kwok") in view of U.S. Patent No. 6,183,091 to Johnson et al. ("Johnson"); and indicated claims 3 and 13 as containing allowable subject matter.

By this amendment, claim 1 has been amended to include the elements of claim 4 and to further define the projection display apparatus as being a "two-panel" type. Claim 4 has been canceled without prejudice or disclaimer. New claim 20 is an independent claim including all of the elements of claim 1 and claim 3. New claims 21-25 are dependent upon new claim 20 and new claim 26 is a new independent claim also including the elements of claim 3. New claims 27-29 are dependent upon new claim 26.

### **Rejection of Claims 1-2, 4-12, and 14-19 Under 35 U.S.C. § 103(a)**

Regarding the rejection of claims 1, 2, 4-12, and 14-19 under 35 U.S.C. § 103(a), Applicants respectfully disagree with the Examiner's arguments and conclusions as set forth in the outstanding Office Action<sup>1</sup>. Accordingly, Applicants respectfully traverse this rejection.

At the outset, Applicants wish to direct the Examiner's attention to the basic requirements of a *prima facie* case of obviousness set forth in the M.P.E.P., § 2143 (8th ed., 2001) states that to establish a *prima facie* case of obviousness, three

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement of characterization in the Office Action.

requirements must be met. First, the references, taken alone or in combination, must teach or suggest each and every element recited in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist.

With respect to claims 1-3 and 5-10, no *prima facie* case of obviousness has been established for at least the reason that the references, whether taken alone or in combination, fail to teach or suggest each and every element recited in the claims.

Amended claim 1 is directed to a two-panel projection display apparatus comprising a combination of features including, among other things, “a *first quarter wavelength plate* disposed between the polarizing beam splitter and the first reflective light panel” and “a *second quarter wavelength plate* disposed between the polarizing beam splitter and the second reflective light panel” (emphasis added). Neither Kwok nor Johnson, whether taken alone or in combination, teach or suggest at least these elements of amended claim 1.

The Examiner states that Johnson discloses “a first quarter wavelength plate disposed between the polarizing beam splitter and the first reflective light panel (retarder stack 126); and a second quarter wavelength plate disposed between the polarizing beam splitter and the second reflective light panel (retarder stack 134)”. (See Office Action, page 4.) In this statement, the Examiner seems to read the retarder stacks 126 and 134 of Johnson, respectively, as the claimed first and second quarter

wavelength plates. However, Applicants found no teaching or suggestion in Johnson that “the retarder stack 126 is disposed between a *polarizing beam splitter* and a *reflective light panel*,” and that “the retarder stack 134 is disposed between the *polarizing beam splitter* and another reflective light panel,” as the Examiner alleges. Further, the Examiner has stated that “...retarder stacks 116, 126, 134 and 136 [that] will select light based on color wavelength and rotate the light to a desired state of polarization. Any of these elements read on applicant’s “first color selector.”” (See Office Action, page 3). However, retarder stacks 126 and 134 cannot constitute the claimed first and second quarter wavelength plates for at least the reason that Johnson teaches “retarder stacks ... orient all the different modulated spectrums into the same polarization orientation,” which is not the effect of the claimed first and second quarter wavelength plates. Johnson, col. 2, lines 66-67.

Therefore, Kwok fails to teach or suggest, at least, “a *first quarter wavelength plate* disposed between the polarizing beam splitter and the first reflective light panel” and “a *second quarter wavelength plate* disposed between the polarizing beam splitter and the second reflective light panel” as recited in amended claim 1 (emphasis added). As described above, Johnson fails to cure this deficiency and the cited references, taken either individually or in conjunction, fail to teach each and every element of claim 1. Accordingly, no *prima facie* case of obviousness has been established with respect to claim 1. Thus Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988). Claims 2, 3 and 5-10 depend from independent claim 1, and thus the citations fail to render them unpatentable. Accordingly, Applicants respectfully request that the rejection of claims 2, 3, and 5-10 under 35 U.S.C. § 103(a) be withdrawn.

Independent claim 11, although of different scope from amended claim 1, recites the elements “a first quarter wavelength plate disposed between the polarizing beam splitter and the first reflective light panel” and “a second quarter wavelength plate disposed between the polarizing beam splitter and the second reflective light panel”. As discussed above, neither Kwok, nor Johsnon, teach or suggest at least these elements. Accordingly, no *prima facie* case of obviousness has been established with respect to claims 11-19. Accordingly, Applicants respectfully request that the rejection of claims 11-19 under 35 U.S.C. § 103(a) be withdrawn.

#### **New Claims 20-29**

In the Office Action at pages 4-5, the Examiner indicated that claims 3 and 13 contained allowable subject matter. Applicants gratefully thank the Examiner for the indication of allowable subject matter. Therefore, new claim 20 has been added combining all of the elements of claim 1 and claim 3 in independent form. Accordingly, Applicants respectfully submit that claim 20 is allowable over the cited references, and new claims 21-25 are also allowable due to their dependence from independent claim 20.

New claim 26, although of different scope, recites language similar claim 20, also including the elements of allowable claim 3. Therefore, new claim 26 should be allowable for at least the reasons given above with respect to claim 20, and new claims 27-29 are allowable at least due to their dependence from independent claim 26.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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